DOCUMENT RESUME

ED 202 374 HE 013 888

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TITLE	Issues Related to Affirmative Action: Policies and Programs for Admission and Retention of Minority Students.
INSTITUTION	Education Commission of the States, Denver, Colo. Inservice Education Program.; State Higher Education Executive Officers Association.
SPONS AGENCY	Kellogg Foundation, Battle Creek, Mich.
REPORT NO	IEP-509
PUB DATE	Oct 78
NOTE	11p.: Paper presented at a Seminar for State Leaders in Postsecondary Education (New Orleans, LA, October 1978).
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Admission Criteria; *Affirmative Action; *Court Litigation; *Educationally Disadvantaged; Elementary Secondary Education; Graduate Study; Higher Education; Professional Education; Reverse Discrimination; *Selective Admission; *Statewide Planning
IDENTIFIERS	Adams v Califano; *Bakke v Regents of University of California; Holistic Approach; *Seminars for State Leaders Postsec Ed (ECS SHEEO)

ABSTRACT

Increasingly those working with affirmative action efforts at the graduate and professional level are considering the importance of early identification of career and educational goals. They are also considering the importance of using those motivational factors that overcome academic handicaps that may arise from school and home environments. Affirmative action efforts in behalf of graduate and professional schools can be greatly enhanced if a state-wide effort were made in which the entire spectrum of education is included. Presently, affirmative action programs are too stratified at the elementary-secondary, community college, four-year college, and post-graduate levels. Highlights of the Bakke case and the Adams v. Califano case underscore these issues. (Author/MSE)

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ED202374

Inservice Education Program (IEP)

Paper Presented at a Seminar for State Leaders in Postsecondary Education

ISSUES RELATED TO AFFIRMATIVE ACTION:
POLICIES AND PROGRAMS FOR
ADMISSION AND RETENTION OF MINORITY STUDENTS

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New Orleans, Louisiana
October 1978

NIE 013 887

IEP Paper No. 509

Education Commission of the States

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SHEEO

The IEP Program has been supported primarily by the W. K. Kellogg Foundation with additional funds from the Education Commission of the States, the Frost Foundation and the State Higher Education Executive Officers

The multifaceted activities of the Pre- and Post-Bakke decision serve to legitimize the continuing concern of a number of well-intentioned individuals and organizations who share in a commitment to equalizing educational opportunity for minorities. The number of Amicus Curiae that were filed in behalf of special minority admissions programs reflects a great concern that the gains we have made in equalizing educational opportunity for minorities not be replaced by any retrogressive steps that the Powell decision may provide by its ambivalence, ambiguity, and often-times contradiction.

It is precisely this concern of retrogression that amplifies the necessity for such organizations as those represented here to continue the dialogue on Bakke. It is no small task for the Education Commission of the States, the Justice Program of the Aspen Institute, and the Southern Regional Education Board and others to quickly mobilize resources in order that we may respond to a national contingency that is personified by the Bakke case with its magnitude and complexity.

A part of the magnitude and complexity is attributed to the school of thought that reflects the Bakke case as a deficit model for the recruitment and admission of minorities to graduate and professional schools. One allegation is that "there has been a 9.1 percent drop in the number of minority first-year medical students since the Bakke case."[1]

Others of this particular school of thought constantly remind us minority underrepresentation in the professions can be dramatized by the fact that:

1. only about 2 percent of the nation's 380,000 physicians are Black.

2. no more than 2 percent of the Ph.D.'s in economics are Black.

3. less than 1 percent of the doctoral degree holders in engineering are Black.

4. of 325,000 lawyers in the United States, only 38 percent are Black.

The magnitude and complexity of the Bakke case is also attributed to the school of thought that some good has emerged from the Bakke case. Jack Greenberg of the Legal Defense and Educational Fund (LDF) says, "legally, the situation seems more hopeful."[2] Justice Powell's positive discussion of non-academic affirmative action plus the opinion of the Brennan four leaves room for various types of affirmative action to continue unimpaired."[3] "The Bakke decision will not interfere with or restrict HEW programs of special value and concern to minority groups," according to HEW Secretary Califano.[4]

American Council on Education (ACE) President J. W. Peltason and William G. Bowen, President of Princeton University and ACE Board Chairman made the following statement:

> "The six opinions handed down by the Supreme Court in the Bakke case require careful review before all of their implications can be known. Nonetheless, a first reading of the Court's decision indicates that race and ethnic background may be taken into account, along with other factors, in enrolling a diverse student body. We believe that the overwhelming number of admissions programs now in place meet the Constitutional standards as outlined by the Court.
>
> This is a most important decision. In the last decade American colleges and universities have made considerable progress in broadening the composition of their student bodies. There is, of course, much more to be accomplished, and on behalf of the American Council on Education we reaffirm our commitment to overcome the effects of invidious discrimination and to provide educational opportunities for all."[6]

The progress referred to by the ACE officials is reflected in a report on Changing Patterns in Graduate Schools:

CHANGING PATTERNS IN
GRADUATE SCHOOLS

Shifts among students in postgraduate education--
(percentage of enrollment)

MEDICAL SCHOOLS	1970-71	1977-78
Blacks	4.1%	6.7%
Hispanics	0.8%	3.8%
Whites	93.4%	85.1%
Other minorities	1.7%	4.4%
Women	9.6%	25.6%

LAW SCHOOLS	1970-71	1977-78
Blacks	3.9%	4.5%
Hispanics	1.1%	2.1%
Whites	94.2%	91.9%
Other minorities	0.8%	1.5%
Women	8.0%	27.4%

OTHER GRADUATE SCHOOLS.	1970-71	1977-78
Blacks	4.2%	6.0%
Hispanics	1.2%	2.2%
Whites	92.3%	83.6%
Other minorities	2.3%	8.2%
Women	38.7%	44.7%

*Source U. S. Department of Health, Education, and Welfare, Association Medical Colleges, Association of American Law Schools.

I hasten to add that a Task Force appointed by the Association of American Medical Colleges views the statistics as a slow down of minority admissions because there has been a virtual standstill in the minority enrollments over the past three years.

The implications of the Bakke decision may appear to have a more direct relationship to graduate and professional schools than undergraduate admission and this session today will reflect that interest. However, those who work primarily with institutions that are in need of enhancing equal educational opportunity for minorities in the undergraduate level, certainly see a number of questions arising as a result of the Bakke case.

ADAMS VS. CALIFANO

The concern for undergraduate admission of minorities is especially critical in the Southern states. Such is a result of pressure being placed on the states because of the Pratt decision in the Adams vs. Califano court case. This decision requires the desegregation of state systems of public higher education. Presently, six states are affected. However, eight other states are or will be under investigation by the Office of Health Education and Welfare.

The Pratt ruling emphasizes: "Perhaps the most serious problem in this area is the lack of state-wide planning to provide more and better-trained minority group doctors, lawyers, engineers, and other professionals."[7]

In requiring states to submit acceptable plans to desegregate state systems of public higher education, Judge Pratt ruled:

A. Adopt the goal that for two year and four year undergraduate public higher education institutions in the state system, taken as a whole, the proportion of black high school graduates throughout the State who enter such institutions shall be at least equal to the proportion of white high school graduates throughout the state who enter such institutions.

B. (1) Adopt the goal that there shall be an annual increase, to be specified by each state system, in the enrollment of black students in the traditionally white four year undergraduate public higher education institutions in the state system taken as a whole and in each such institution; and

(2) Adopt the objective of reducing the disparity between the proportion of black high school graduates and the proportion of white high school graduates entering traditionally white four year undergraduate public higher education institutions in the state system; and adopt the goal of reducing the current disparity by at least fifty percent by the academic year 1982-83. However, this shall not require any state to increase by that date black student admissions by more than 150% above the admissions for the academic year of 1976-77.[3]

C. Adopt the goal that the proportion of black state residents who graduate from undergraduate institutions in the state system and enter graduate study or professional state system shall be at least equal to the proportion of white state residents who graduate from undergraduate institutions in the state system and enter such schools.

This goal (and interim benchmarks or goals) shall be separately stated for each major area of graduate and professional study. To assure that his goal can be met in the immediate future special recruitment efforts should be considered at traditionally black institutions. Particular attention should be given to increasing black student enrollment and graduation from those traditionally white four year undergraduate institutions which serve as the feeder institutions for the graduate and professional schools. Achievement of this goal is of particular importance in light of the specific concern expressed by the Court of Appeals in Adams. In assessing progress toward this goal, OCR will give consideration to the number of blacks who enroll in graduate and professional schools outside the state system.

D. Commit the state to take all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year and graduate public institutions of higher education, and establish interim goals, to be specified by the State system, for achieving annual progress.

E. Commit the State to expand mobility between two and four year institutions as a means of meeting the goals set forth in these criteria.

F. Specify timetables for sequential implementation of actions necessary to achieve these goals as soon as possible but not later than within five years (by the close of the academic year 1981-82) unless another date is specified in this section.

G. Commit the State and all its involved agencies and subdivisions to specific measures to achieve these goals.

SOME HIGHLIGHTS OF THE ADAMS CASE ARE:

1. State-wide coordinated plans rather than individual institutional plans are required.

2. Expansion of educational opportunity calls for affirmative action which goes beyond removal of barriers to access. A fundamental consideration is that equal benefits are derived from equal access.

3. Parity of enrollment is emphasized.

4. Parity of retention and progress from matriculation to graduation is also emphasized.

Several Policies emerge from either Bakke or the Adams which are not contradictory:

1. Race or ethnic background can be considered as a factor for admission.

2. Minority applicants should be considered on an individual basis rather than as a member of a special or preferred group.

3. Quotas are not acceptable.

4. Numerical projections as visible goals are acceptable.

5. Separate programs for reviewing admissions materials from minorities and non-minorities are unacceptable. Most recently Stanford University's Medical School has eliminated its separate minority program in a move to conform to the Bakke decision.

6. Test scores are not used exclusively as a criterion of admissions. Other variables are considered, such as leadership roles, community involvement, and work experience.

The Bakke and Adams cases have generated a number of questions about undergraduate admissions and retention programs which I shall discuss briefly:

1. What should be the affirmative action role of the undergraduate college as it relates to those supportive services that assure equal benefits of "access?" One school of thought emphasizes that such services should be provided all students who need them; however, they should be designed with the knowledge that they would be especially helpful to minority students because of past history and neglect.

2. Should undergraduate colleges do more to identify minority students who have potential for enrolling in graduate and professional schools and prepare them for such both by instruction and through counseling?

There is a retention expectancy at the undergraduate level. Therefore, some care must be taken in the selection of minority students to ascertain whether they have the potential for graduation. Just as graduate and professional institutions have the problem of balancing test scores and grade point averages with other indices less quantitative and more judgemental, the same problem prevails in the undergraduate admissions process. The resolution of such a problem has implications that can be utilized by the graduate and professional schools. For example; if the graduate or professional school is looking for evidence that a student with initial handicaps is showing signs of rising above those limitations, the students' progress at the undergraduate level becomes a valuable source of information when the application is reviewed at the graduate and professional school.

CONCLUSION

Increasingly those working with affirmative action efforts at the graduate and professional level are considering the importance of early identification of career and educational goals. They are also considering the importance of utilizing those motivational factors that overcome academic handicaps that may arise from school and home environments. Affirmative action efforts in behalf of graduate and professional schools can be greatly enhanced if a state-wide effort were made in which the entire spectrum of education is included. Presently, affirmative action programs are too stratefied at the elementary-secondary level, the community-college level, the four-year college level, and the post-graduate level..

NOTES

1. H. M. Michaux, Jr. "Bakke Decision Causes Problems Already." The Carolina Peacemaker. October 7, 1978, p. 1.

2. John Edgerton. Equality of Access in Post Secondary Education at Southern Education Foundation: Atlanta, Georgia, 1975.

3. Jack Greenberg. "The Meaning of Bakke's 'Window'." The Nation. July 22-29, 1978, p. 74.

4. Higher Education and National Affairs. "Review Shows Bakke Decision To Leave HEW Programs Intact." September 29, 1978, p. 7.

5. Higher Education and National Affairs. "ACE Officers Comment on Decision." June 30, 1978, p. 3.

6. U. S. News and World Report. "Impact of Bakke Decision." July 10, 1978, p. 16.

7. Adams vs. Richardson. 480 F. 2d 1159 (1973).

8. Leonard L. Haynes III. A Critical Examination of the Adams Case: A Source Book. Institute for Services to Education. Washington, D. C., 1978, 4-17.